

Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 ISO-00 CG-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 TRSE-00 AF-10 EA-11 EUR-25 NEA-14

ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00

OMB-01 CIEP-02 OIC-04 IO-14 AID-20 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 FEA-02 DRC-01 /293 W

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R 051518Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4507

INFO USUN NEW YORK 623

C O N F I D E N T I A L SECTION 1 OF 2 CARACAS 6153

FROM US DEL LOS

E.O. 11652:

TAGS: PLOS

SUBJECT: LOS: RATINER DISCUSSIONS WITH CHRIS PINTO, JUNE 29

AND 30, 1974

1. A GENERAL DISCUSSION OF TACTICAL ISSUES REGARDING COMMITTEE
I'S WORK FOR CARACAS SESSION CENTERED ON POSSIBLE SUPPORT
AND OPPOSITION TO DISCUSSION OF RULES AND REGULATIONS FOR
DEEP SEA MINING IN COMMITTEE OR POSSIBLE WORKING GROUP.
ALTHOUGH LATINS WERE EXPRESSING STRONG OPPOSITION TO SUBJECT,
PINTO REVEALED THAT HE HAD BEEN APPROACHED BY TANZANIA
WHO SUGGESTED THAT THEY MIGHT BE INTERESTED IN INTRODUCING
PINTO'S DRAFT AS THEIR OWN IN ORDER TO GENERATE A DISCUSSION
OF REGULATIONS IN WORKING GROUP. IT WAS AGREED THAT EVEN
GENERAL DISCUSSION OF REGULATIONS IN WORKING GROUP WOULD SERVE
USEFUL EDUCATIONAL PURPOSE.

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2. PINTO WAS NOT OPTIMISTIC REGARDING POSSIBILITY OF GETTING

AGREEMENT TO DISCUSS REGULATIONS AS FIRST ORDER OF BUSINESS FOR THE COMMITTEE THIS SUMMER. HE URGED U.S. TO CONSIDER WHETHER OTHER ITEMS COULD BE DISCUSSED FIRST OR SIMULTANEOUSLY WITH REGULATIONS IN ORDER TO REACH PROCEDURAL COMPROMISE WITH THE LATINS WHICH ENSURED THAT THIS SUBJECT WOULD BE CONSIDERED THIS SUMMER. RATINER INDICATED THAT IF SUCH ARRANGEMENTS APPEAR NECESSARY TO GET AGREEMENT ON RULES AND REGULATIONS DISCUSSION, HE WOULD RECOMMEND IT TO HIS DELEGATION.

3. PINTO ALSO SUGGESTED THAT IT MIGHT BE ADVANTAGEOUS IF TEXTS ON REGIME AND MACHINERY PRODUCED BY WORKING GROUP LAST SUMMER COULD BE CLEANED UP THROUGH INFORMAL CONSULTATIONS. HE APPEARED CONFIDENT THAT SUCH AN EXERCISE COULD GREATLY REDUCE NUMBER OF REDUNDANT AND IRRELEVANT TEXTS WHICH PRESENTLY CLUTTER DOCUMENT. RATINER NOTED THATSUCH A PROCESS MIGHT JEOPARDIZE A DISCUSSION OF RULES AND REGULATIONS BUT MIGHT HAVE UTILITY IF THIS RISK COULD BE GUARDED AGAINST. PINTO SUGGESTED THAT IT MIGHT BE ADVISABLE FOR THIS CLEAN-UP PROCEDURE TO CONCENTRATE ON ROUTINE AND RELATIVELY UNCONTROVERSIAL ASPECTS OF REGIME AND MACHINERY.

4. RATINER DESCRIBED KEY ELEMENTS OF U.S. APPROACH TO RULES AND REGULATIONS, STRESSING IMPORTANCE OF NON-DISCRIMINATION IN GRANTING APPLICANTS RIGHT TO EXPLORE AND EXPLOIT AND IN APPLICATION OF TERMS AND CONDITIONS OF EXPLOITATION, NEED FOR AN AUTOMATIC RIGHT OF BOTH EXPLORATION AND EXPLOITATION AND INTEGRAL PART WHICH DISPUTE SETTLEMENT MACHINERY PLAYS IN OUR APPROACH. PINTO STATED THAT IT SEEMED TO HIM THAT MOST CRITICAL DIFFERENCE BETWEEN U.S. AND LDC APPROACHES TO REGULATIONS CONCERNED WHETHER AUTHORITY COULD REQUIRE DIFFERENT TERMS AND CONDITIONS OF DIFFERENT EXPLOITERS, THUS FORCING SEPARATE NEGOTIATION FOR EACH MINING RIGHT GRANTED.

5. RATINER EXPRESSED GENERAL CRITICISM OF UNNECESSARY DETAIL IN PINTO DRAFT, EMPHASIZING THATIT WOULD BE VERY DIFFICULT TO NEGOTIATE ON THE BASIS OF SUCH A LONG AND COMPLICATED TEXT. MOREOVER, HE SUGGESTED THAT MANY OF THESE DETAILS WOULD BE MORE EFFECTIVELY HANDLED BY SPONSORING STATES. PINTO RECOGNIZED PROBLEMS INVOLVED BUT EXPLAINED THAT INCLUSION OF MANY DETAILED LEGAL PROVISIONS WAS DESIGNED TO CREATE AN IMPRESSION THAT

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AUTHORITY, AND THUS INTERNATIONAL COMMUNITY, WAS THOROUGHLY INVOLVED IN ALL AREAS OF MANAGEMENT OF COMMON HERITAGE. HE INDICATED, HOWEVER, THAT HE WOULD DISCUSS THE NECESSITY OF THESE PROVISIONS WITH OTHER DEVELOPING COUNTRIES. HE ALSO STATED THAT MAJORITY OF FIGURES USED IN DRAFT, SUCH AS DURATION OF INDIVIDUAL PROJECTS, MIGHT MOST USEFULLY BE DELETED.

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FROM US DEL LOS

6. IN DISCUSSING ARTICLE 4 OF DRAFT, PINTO SAID HE WOULD CONSIDER POSSIBILITY OF TYING VARIOUS PROJECTS OR STAGES OF EXPLOITATION MORE CLOSELY TOGETHER, THUS COMING NEARER U.S. POSITION ON AUTOMATICITY OF MINER'S MOVEMENT FROM ONE STAGE TO THE NEXT.

7. IN RESPONSE TO RATINER'S STATEMENT THAT THE U.S. COULD NOT AGREE TO ANY REGULATION OF SCIENTIFIC RESEARCH, PINTO POINTED OUT THAT HE HAD NOT INTENDED SCIENTIFIC RESEARCH PROJECT TO BE IN ANY WAY LINKED TO OTHER TYPES OF EXPLOITATION PROJECTS, AND THAT MENTION OF RESEARCH WAS INTENDED MAINLY FOR COSMETIC VALUE TO OTHER LDC'S.

8. RATINER EXPLAINED WHY U.S. BELIEVES THAT PROSPECTING DOES NOT NECESSITATE REGULATION AND THAT REQUIREMENTS FOR DATA-TURNOVER DURING THIS PHASE AND RESTRICTING PROSPECTING TO LIMITED AREAS WOULD SEVERELY DETER DEVELOPMENT OF DEEP SEABED

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MINERALS. HE ALSO CRITICIZED THE CONCEPT OF A FEASIBILITY STUDY.

9. OTHER DETAILS OF PARTICULAR IMPORTANCE WHICH WERE DISCUSSED FOLLOW:

A) COMPETING CLAIMS - RATINER STRESSED IMPORTANCE OF AND REASONING FOR U.S. FIRST-COME, FIRST-SERVED SYSTEM. HE ALSO EXPLAINED THAT WE BELIEVED COMPETING CLAIMS WERE NOT LIKELY TO ARISE UNDER THIS SYSTEM WITHIN FORESEEABLE FUTURE. IN ABSENCE OF COMPETING CLAIMS AND IN ORDER TO ENSURE NON-DISCRIMINATION BY AUTHORITY, FIRST QUALIFIED APPLICANT IN TIME SHOULD BE GRANTED RIGHTS.

B) QUOTAS AND RESERVATION OF AREAS - RATINER STRESSED THAT THESE TYPES OF PROVISIONS WOULD RESTRICT FREEDOM OF ACCESS TO AREA.

C) AUTHORITY'S KEEPING OF ACCOUNTS AND POSSESSING TITLE TO MINING EQUIPMENT - THESE PROVISIONS WERE DESCRIBED AS BEING VERY EXTREME AND SO UNACCEPTABLE TO DEVELOPED NATIONS THAT THEY JEOPARDIZED CREDIBILITY OF DRAFT.

D) DISPUTE SETTLEMENT AND DISCRETION - PINTO INDICATED THAT HE MIGHT TRANSFER MANY OF DISCRETIONARY FUNCTIONS ALLOCATED TO AUTHORITY IN HIS PRESENT DRAFT TO DISPUTE SETTLEMENT MACHINERY, BUT MIGHT LEAVE ARTICLE 25 ON DISPUTE SETTLEMENT BLANK.

3) PRODUCTION SHARING - RATINER STATED THAT U.S. WAS CURRENTLY REVIEWING ALTERNATIVES FOR FINANCIAL PAYMENTS TO THE AUTHORITY BUT WOULD BE OPPOSED TO THE SYSTEM OF PRODUCTION-SHARING NOW CONTAINED IN THE PINTO DRAFT.

F) REGULATION OF TRANSPORTATION, PROCESSING AND MARKETING PHASES - STRONG U.S. OPPOSITION TO ANY ROLE FOR AUTHORITY IN THESE AREAS WAS REITERATED.

10. RATINER STRESSED THAT WHETHER OR NOT PINTO MADE THE CHANGES INDICATED IN THIS MEMCON, THE U.S. WOULD STILL FIND HIS DRAFT UNACCEPTABLE FOR A VARIETY OF REASONS. SUCH ACTION ON PINTO'S PART, HOWEVER, WOULD INDICATE A WILLINGNESS TO CONSIDER
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SERIOUSLY VIEWS OF INDUSTRIALIZED COUNTRIES AND THIS WOULD BE A GOOD OMEN FOR FUTURE WORK ON SUBJECT OF RULES AND REGULATIONS.
STEVENSON

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